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JAN 12 2005

Appl. No. 09/118,824

OFFICE OF PETITIONS

REMARKS

Applicants wish to thank Ms. Darnell Jayne for the courtesies extended during a telephone conversation on January 11, 2005. During the conversation, Ms. Jayne pointed out that the first sentence of the specification must make reference to any related reissue application, in accordance with 37 C.F.R. § 1.177. In the instant case, a continuation application was filed on July 1, 2004, after payment of the issue fee in the above-identified application.

Therefore, it was not possible to file a 312 Amendment prior to payment of the issue fee, since the serial number was not known as the filing date had not yet occurred. Under the present situation, Ms. Jayne stated that the rule pertaining to a submission of a 312 Amendment after payment of the issue fee would be waived so that the requirement of 37 C.F.R. § 1.177 could be met.

Therefore, it is respectfully petitioned that this Amendment be entered under any applicable rule of the U.S. Patent and Trademark Office, such as 37 C.F.R. § 1.177, so that the related reissue application is identified in the first sentence of the specification of the above-identified application.

Ms. Jayne also pointed out that an Application Data Sheet needed to be submitted in order to correct the information

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regarding Applicants' foreign priority data. Therefore, an Application Data Sheet is submitted herewith which corrects Applicants' foreign priority data.

CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mr. Scott L. Lowe (Reg. No. 41,458) at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

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2950-0141P

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Attachment: Application Data Sheet

Certificate of Transmittal
I hereby Certify that this correspondence is being
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Trademark Office: 1-12-05

On 1-12-05
Shylah L. Dobson
Signature
Shylah L. Dobson
Typed or printed name of person signing certificate